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A/C.5/52/L.3
10 October 1997

ORIGINAL: ENGLISH

Fifty-second session
FIFTH COMMITTEE
Agenda item 142 (a)

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS

Draft resolution submitted by the Chairman following informal consultations

Financing of the United Nations Logistics Base at Brindisi, Italy

I

The General Assembly,

Recalling section XIV of its resolution 49/233 A of 23 December 1994,

Recalling also its decision 50/500 of 17 September 1996 and section VIII of its resolution 51/218 E of 17 June 1997 on the financing of the United Nations Logistics Base,

Having considered the report of the Secretary-General on the financing of the United Nations Logistics Base, Brindisi[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] the report of the Office of Internal Oversight Services on the audit of the United Nations

[1] A/51/905.

[2] A/52/407.

Logistics Base,[3] the comments of the Joint Inspection Unit thereon[4] and the views expressed by Member States in the Fifth Committee,[5]

1. Takes note of the report of the Secretary-General on the financing of the United Nations Logistics Base, Brindisi;[1]

2. Takes note also of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. Takes note of the cost estimates proposed by the Secretary-General[6] and recommended by the Advisory Committee[7] for the maintenance of the United Nations Logistics Base for the period from 1 July 1996 to 30 June 1997, amounting to US$ 7,875,000 gross (7,375,200 dollars net), the ad hoc financing of which will be reflected in the respective performance reports of the peacekeeping operations for the period from 1 July 1996 to 30 June 1997;

4. Notes that, according to the recommendation of the Advisory Committee that a more precise cost-benefit analysis should be carried out,[8] requests the Secretary-General to prepare a comprehensive cost-benefit analysis on the operation of the United Nations Logistics Base at Brindisi, for consideration by the General Assembly at the first part of its resumed fifty-second session, and requests the Advisory Committee on Administrative and Budgetary Questions to assist the Secretary-General in this regard by providing more specific guidance for conducting such an analysis;

5. Requests the Secretary-General, without prejudice to the decision of the General Assembly on the future of the Logistics Base, to make proposals, as appropriate, for different sources or modes of financing, including self-financing mechanisms, and to consider the possibility of expanding the use of the Logistics Base to other agencies and programmes of the United Nations, such as the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as recommended by the Advisory Committee in paragraph 18 of its report,[2] and to make this information available so as to enable the Assembly to take a decision on the future of the Logistics Base, in the context of a coherent strategy for logistic support, during the first part of its resumed fifty-second session;

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[3] A/51/803.

[4] A/52/380, annex.

[5] A/C.5/52/SR.3 and 4.

[6] A/50/907.

[7] A/50/985.

[8] A/52/407, paras. 4 and 18.

6. Authorizes the Secretary-General to enter into commitments in the amount of 4,207,500 dollars for the clearance of the backlog situation in the Logistics Base;

7. Requests the Secretary-General to inform the General Assembly during the first part of its resumed fifty-second session on the liquidation of the clearance of the backlog referred to in his report;[1]

8. Authorizes the Secretary-General to enter into commitments on a monthly basis in the amount of 812,100 dollars for the maintenance of the Logistics Base for the period from 16 October 1997 to 30 June 1998;

9. Decides that the additional appropriation, as may be required, will be taken up in the context of the performance reports of peacekeeping operations for that period;

10. Authorizes the Secretary-General to provide for a civilian establishment consisting of ten Professional, six Field Service and twenty-eight locally recruited staff;

11. Endorses the recommendation made by the Advisory Committee on Administrative and Budgetary Questions in paragraph 13 of its report[2] that the level of staffing should be reviewed in the light of the volume of operations, and requests the Secretary-General to provide this information to the General Assembly at the first part of its resumed fifty-second session;

12. Encourages the Secretary-General to use existing audit capability to provide the functions referred to in paragraph 34 of his report;[1]

13. Decides to refer to the issue of resourcing policy as proposed in section VIII of the report of the Secretary-General in the context of its deliberations on the future of the Logistics Base, as referred to in paragraph 5 of the present resolution;

14. Approves the policies proposed in sections X and XI of the report of the Secretary-General;

15. Requests the Secretary-General to provide detailed information on the communications relay system and functions of the Logistics Base;

II

Management of peacekeeping assets: Field assets control system

Recalling section VIII, paragraph 4, of its resolution 51/218 E of 17 June 1997,

Having considered the report of the Secretary-General on the field assets control system[3] and the related report of the Advisory Committee on

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[3] A/51/957.

Administrative and Budgetary Questions,[2] as well as the views expressed by Member States in the Fifth Committee,[5]

1. Takes note of the report of the Secretary-General on the field assets control system;[9]

2. Takes note also of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. Endorses the proposal for the development and implementation of the field assets control system described in paragraphs 4 to 22 of the report of the Secretary-General;

4. Takes note of the intention of the Secretary-General to continue to develop the field mission logistics system described in paragraphs 25 and 26 of his report, and decides to consider this question at the second part of its resumed fifty-second session.

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Agenda item 142 (a)

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS

Death and disability benefits

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Recalling paragraph 6 of section II of its resolution 51/218 E of 17 June 1997,

Having considered the report of the Secretary-General on death and disability benefits[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] as well as the views expressed by Member States in the Fifth Committee,

Emphasizing the need for early settlement of death and disability claims,

1. Takes note of the report of the Secretary-General on death and disability benefits;[1]

2. Takes note also of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

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[1] A/52/369.

[2] A/52/410.

3. Authorizes the Secretary-General to implement without delay, administrative and payment arrangements and procedures contained in section II of his report, for the payment of awards in cases of death and disability sustained by troops for incidents occurring after 30 June 1997;

4. Reiterates its request to the Secretary-General, in accordance with its resolution 51/218 E, to present, as soon as possible and not later than April 1998, proposals for administrative resource reductions resulting from this new, simplified system;

5. Also reiterates its request to the Secretary-General to present, in his next report, information on the cost of the new self-insurance system;

6. Requests the Secretary-General to settle the death and disability claims as soon as possible but not later than three months from the date of submission of the claim;

7. Also requests the Secretary-General to continue, in the new system, to take into account, when considering all mission-related death and disability claims, that such injury or death should be compensable, unless such injury or death was caused by the gross negligence or wilful misconduct of the injured or deceased member of the contingent, and requests the Secretary-General to include this principle in the aide-mémoire for troop-contributing countries.

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A/C.5/52/L.5
27 October 1997

ORIGINAL: ENGLISH

Fifty-second session
FIFTH COMMITTEE
Agenda item 133

FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN LIBERIA

Draft decision submitted by the Chairman following informal consultations

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in Liberia[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. Decides to reduce the appropriation authorized under the terms of General Assembly resolution 51/3 C of 13 June 1997 for the Observer Mission for the period from 1 July 1997 to 30 June 1998 from 20,447,100 United States dollars gross (18,918,300 dollars net) to 8,952,900 dollars gross (8,434,900 dollars net), inclusive of 758,700 dollars for the support account for peacekeeping operations;

3. Decides also, taking into account the amount of 5,111,775 dollars gross (4,729,575 dollars net) already assessed under the terms of General Assembly resolution 51/3 C for the period from 1 July to 30 September 1997 and pending the review and consideration of the performance report of the Observer Mission for the period from 1 July 1996 to 30 June 1997, to defer the

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[1] A/52/401.

[2] A/52/451.

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apportionment of the additional amount of 3,841,125 dollars gross (3,705,325 dollars net);

4. Decides further to keep the agenda item entitled "Financing of the United Nations Observer Mission in Liberia" under review at its fifty-second session.

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Fifty-second session
FIFTH COMMITTEE
Agenda items 123 and 159

FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION

FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN ANGOLA

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Angola Verification Mission[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolutions 626 (1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, 696 (1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II), 976 (1995) of 8 February 1995, by which the Council authorized the establishment of a peacekeeping operation (thenceforth called the United Nations Angola Verification Mission III), and 1118 (1997) of 30 June 1997, by which the Council decided to establish, as of 1 July 1997, the United Nations Observer Mission in Angola for an initial period of four months until 31 October 1997,

Recalling its resolution 43/231 of 16 February 1989 on the financing of the Verification Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 51/213 of 18 December 1996,

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[1] A/51/494/Add.3 and A/52/385 and Corr.1.

[2] A/52/478 and Corr.1.

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Mission on a current basis, including reimbursement to current and former troop-contributing States,

1. Takes note of the status of contributions to the United Nations Angola Verification Mission as at 15 October 1997, including the contributions outstanding in the amount of 89,144,761 United States dollars, representing 10 per cent of the total assessed contributions from the inception of the Verification Mission to the period ending 30 June 1997, notes that some 26 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure the payment of their outstanding assessed contributions;

2. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear an additional burden owing to overdue payments by Member States of their assessments;

3. Expresses its appreciation to those Member States which have paid their assessed contributions in full;

4. Urges all Member States to make every possible effort to ensure the payment of their assessed contributions to the Observer Mission in full and on time;

5. Notes the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

6. Decides to maintain the level of the posts for the Deputy Special Representative of the Secretary-General and the Chief Administrative Officer at

their originally authorized levels, and approves the reclassification of the post for one Chief of the Human Rights Division at the D-1 level;

7. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

8. Also requests the Secretary-General, in order to reduce the cost of employing General Service staff, to take the necessary steps to employ locally recruited staff for General Service posts for the Observer Mission commensurate with the operational requirements of such posts and to report on this matter;

9. Further requests the Secretary-General to entrust the Office of Internal Oversight Services with the preparation of a report on the audit findings in the procurement process in the Verification Mission to the General Assembly at the first part of its resumed fifty-second session, and requests the Secretary-General also to provide a written report to the General Assembly at the second part of its resumed fifty-second session on efforts to recover losses and corrective measures taken;

10. Decides to continue to use the Special Account for the United Nations Angola Verification Mission, established in accordance with General Assembly resolution 43/231, for the United Nations Observer Mission in Angola beginning on 1 July 1997;

11. Decides also that the proposed 25 per cent reduction in the civilian establishment is not commensurate with the nearly 94 per cent reduction of the military component, and that in the absence of adequate justification, the proposed civilian establishment should be reduced by at least 10 per cent;

12. Decides further to appropriate the amount of 155,000,000 dollars gross (150,371,600 dollars net) for the operation of the Observer Mission for the period from 1 July 1997 to 30 June 1998, inclusive of the amount of 49,975,500 dollars gross (48,202,500 dollars net) authorized by the Advisory Committee for the period from 1 July to 31 October 1997;

13. Decides, as an ad hoc arrangement, to apportion the amount of 76,054,200 dollars gross (74,362,800 dollars net) for the period from 1 July to 31 October 1997 among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993, 50/451 B and 50/471 A of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994;

14. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the additional estimated staff assessment

income of 1,691,400 dollars approved for the period from 1 July to 31 October 1997;

15. Decides further, as an ad hoc arrangement, to apportion the amount of 78,945,800 dollars gross (76,008,800 dollars net) for the period from 1 November 1997 to 30 June 1998 among Member States at the monthly rates indicated in the annex to the present resolution, in accordance with the scheme set out in the present resolution and the scale of assessments for the year 1998,[3] and subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 October 1997;

16. Decides that, for Member States that have fulfilled their financial obligations to the Verification Mission, there shall be set off against their apportionment, as provided for in paragraph 12 above, their respective share in the unencumbered balance of 18,926,500 dollars gross (18,667,900 dollars net) for the period from 1 January to 30 June 1996;

17. Decides also that, for Member States that have not fulfilled their financial obligations to the Verification Mission, their share of the unencumbered balance of 18,926,500 dollars gross (18,667,900 dollars net) for the period from 1 January to 30 June 1996 shall be set off against their outstanding obligations;

18. Invites voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

19. Decides to keep under review during its fifty-second session the agenda items entitled "Financing of the United Nations Angola Verification Mission" and "Financing of the United Nations Observer Mission in Angola".

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[3] To be adopted by the General Assembly.

ANNEX

Monthly assessments for the operation of the United Nations Observer Mission in Angola for the period from 1 November 1997 to 30 June 1998

(In United States dollars)

Month	Gross	Net
November 1997	15 827 600	15 404 800
December 1997	12 101 600	11 678 800
January 1998	10 096 500	9 722 700
February 1998	9 174 300	8 800 500
March 1998	8 208 000	7 849 100
April 1998	8 118 000	7 759 200
May 1998	7 731 200	7 418 100
June 1998	7 688 600	7 375 600
Total	78 945 800	76 008 800

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ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS

Third-party liability: temporal and financial limitations

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Recalling its resolution 51/13 of 4 November 1996 on third-party liability claims against the United Nations resulting or arising from peacekeeping operations conducted by the Organization, in which the Assembly requested the Secretary-General to develop specific measures, including criteria and guidelines for implementing the principles of temporal and financial limitations on the liability of the United Nations,

Having considered the report of the Secretary-General on third-party liability[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

1. Takes note of the report of the Secretary-General on third-party liability;[1]

2. Also takes note of the observations of the Advisory Committee on Administrative and Budgetary Questions;[2]

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[1] A/51/903.

[2] A/52/410.

3. Endorses the proposals of the Secretary-General[1] for implementing principles of temporal and financial limitations on the liability of the Organization;

4. Also endorses the recommendation of the Advisory Committee on Administrative and Budgetary Questions;[4]

5. Decides that the temporal and financial limitations set out in paragraphs 7 to 10 of the present resolution shall apply to third-party claims against the Organization for personal injury, illness or death, and for property loss or damage, including non-consensual use of premises, resulting from or attributable to the activities of members of peacekeeping operations in the performance of official duties, as described in paragraph 13 of the report of the Secretary-General;[1]

6. Endorses the view of the Secretary-General that liability is not engaged in relation to third-party claims resulting from or attributable to the activities of members of peacekeeping operations arising from "operational necessity", as described in paragraph 14 of the first report of the Secretary-General on third-party liability;[5]

7. Also endorses the views of the Secretary-General, reflected in paragraph 14 of his report[1] with regard to third-party claims resulting from gross negligence or wilful misconduct of the personnel provided by troop-contributing States for peacekeeping operations, and requests the Secretary-General to report on their implementation in the relevant performance reports;

8. Decides that, where the liability of the Organization is engaged in regard to third-party claims against the Organization resulting from peacekeeping operations, the Organization will not pay compensation in regard to such claims submitted after six months from the time the damage, injury or loss was sustained, or from the time it was discovered by the claimant, and in any event after one year from the termination of the mandate of the peacekeeping operation, provided that in exceptional circumstances, such as described in paragraph 20 of the report of the Secretary-General,[1] the Secretary-General may accept for consideration a claim made at a later date;

9. Decides also, in respect of third-party claims against the Organization for personal injury, illness or death resulting from peacekeeping operations, that:

(a) Compensable types of injury or loss shall be limited to economic loss, such as medical and rehabilitation expenses, loss of earnings, loss of financial

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[1] See, in particular, A/51/903, chap. IV.

[4] A/52/410, para. 5.

[5] A/51/389.

support, transportation expenses associated with the injury, illness or medical care, legal and burial expenses;

(b) No compensation shall be payable by the United Nations for non-economic loss, such as pain and suffering or moral anguish, as well as punitive or moral damages;

(c) No compensation shall be payable by the United Nations for home-maker services and such other damages that are, in the sole opinion of the Secretary-General, not possible to verify or are not directly related to the injury or loss itself;

(d) The amount of compensation payable for injury, illness or death of any single individual, including for the types of loss and expenses described in subparagraph (a) above, shall not exceed a maximum of 50,000 United States dollars, provided, however, that within such limitation the actual amount is to be determined by reference to local compensation standards;

10. Decides further the following in respect of third-party claims against the Organization for property loss or damage resulting from peacekeeping operations:

(a) Compensation for non-consensual use of premises shall either: (i) be calculated on the basis of the fair rental value, determined on the basis of the local rental market prices that prevailed prior to the deployment of the peacekeeping operation as established by the United Nations pre-mission technical survey team, or (ii) not exceed a maximum ceiling amount payable per square metre or per hectare as established by the United Nations pre-mission technical survey team on the basis of available relevant information. The Secretary-General will decide on the appropriate method for calculating compensation payable for non-consensual use of premises at the conclusion of the pre-mission technical survey;

(b) Compensation for loss or damage to premises shall be either: (i) calculated on the basis of the equivalent of a number of months of the rental value, or a fixed percentage of the rental amount payable for the period of United Nations occupancy; or (ii) a fixed percentage of the cost of repair. The Secretary-General will decide on the appropriate method for calculating compensation payable for loss or damage to premises at the conclusion of the pre-mission technical survey;

(c) No compensation shall be payable by the United Nations for loss or damages that are, in the sole opinion of the Secretary-General, not possible to verify or are not directly related to the loss or damage to the premises;

11. Decides that:

(a) Compensation for loss or damage to personal property of third parties arising from the activities of the operation or in connection with the performance of official duties by its members shall cover the reasonable costs of repair or replacement;

(b) No compensation shall be payable by the United Nations for loss or damages that are, in the sole opinion of the Secretary-General, not possible to verify or are not directly related to the loss or damage to the personal property;

12. Requests the Secretary-General to take the necessary measures to implement the present resolution in respect of the status-of-forces agreements in accordance with paragraph 40 of his report;[1]

13. Also requests the Secretary-General to ensure that the terms of reference of the local review boards include the temporal and financial limitations on the Organization's liability, as set out in paragraphs 8 to 11 of the present resolution, and that those boards rely on those temporal and financial limitations as a basis for their jurisdiction and recommendations for compensation for third-party claims against the Organization resulting from peacekeeping operations conducted by the Organization.